

amend articles 314 and 315, chapter 3, title 9, of the Penal Code of the State of Texas," submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 13, 1883.

Hon. Marion Martin, President of the Senate, and Hon. C. R. Gibson, Speaker of the House of Representatives:

The conference committee on the part of the Senate and the House, appointed to consider the disagreement between the Senate and the House, on Senate bill No. 39, having conferred together and considered the same, beg leave to make the following report:

The committee have agreed that the House recede from each of its amendments to the original bill, so far as they strike out any part of said bill, and that said bill be amended by inserting after the word "place," and before the word "to," in the fourteenth line of the printed bill, the words "at which people are assembled or," and recommend that the amendment, as proposed by this committee, be adopted.

FOWLER, Chairman Senate Committee.
TAYLOR, Chairman House Committee.

Senator Houston introduced a bill entitled "An act to prescribe the time for holding the terms of the district court in the several counties comprising the twenty-fourth judicial district."

Referred to Committee on Judicial Districts.

Senator Fleming introduced a bill to be entitled "An act for the relief of W. S. Anderson, providing for the refunding, by the State, of certain taxes illegally collected."

Referred to Committee on Claims and Accounts.

Senator Matlock introduced a bill to be entitled "An act to prohibit the sale or giving away of intoxicating liquors within five miles of the center of the public square in the town of Seymour, Baylor county."

Referred to Judiciary Committee No. 2.

Also, "An act to amend article 379 of the Penal Code, and add thereto article 379a, 379b, 379c and 379d, in reference to the enforcement of the local option laws."

Referred to Judiciary Committee No. 2.

Senator Pfeuffer moved to suspend the regular order of business, and take up the joint committee report made by Senator Kleberg this morning, relative to the inspection of the Alamo, etc.

Adopted, and report of joint committee also adopted.

On motion of Senator Houston, the report of the free conference committee on disagreements of the two Houses on Senate bill No. 39, just referred to, was adopted.

Senator Peacock, chairman of Committee on Public Buildings and Grounds, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 14, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. —, entitled "An act authorizing the State Firemen's Association to erect a monument in the capitol grounds, in the city of Austin," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments: Amend the caption by striking out the word "authorizing," and insert "to permit." Amend section 1 of the bill by striking out the word "authorized," and inserting "permitted."

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 14, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred the memorial of James B. Smith, late contractor for the building of the temporary State capitol, have carefully examined the same, and a majority instruct me to report the same back with the recommendation that only so much of said claim be allowed as is provided for in the accompanying bill, and that said bill do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

The morning call over, on motion of Senator Terrell, the Senate went into committee of the whole in consideration of the pending resolution of Senator Gooch.

(Senator Houston in the chair.)

IN SENATE.

(Lieutenant-Governor in the chair.)

The chairman of the committee of the whole Senate reported progress in the consideration of the business before the committee, and asked leave to sit again as a committee of the whole Senate to-morrow morning after the morning call.

Report received and request granted.

The following messages were received from the House, announcing the passage by that body of the following bills, to-wit: House bill No. 35, to be entitled "An act to amend article 426 of the Penal Code, as amended March 15, 1881," and substitute House bill No. 36, to be entitled "An act to amend article 743 of the Penal Code," and also the following:

AUSTIN, February 14, 1883.

Mr. President:

I am instructed to inform your honorable body that the following members of the House have been appointed on free conference committee to consider the difference of the two Houses on Senate amendment to House bills Nos. 95 and 196, viz: Messrs. Frymier, Caven and Henderson.

J. W. BOOTH,
Chief Clerk.

Also, the following message was received from the House, announcing the passage of House bill No. 34, to be entitled "An act to amend article 186 of the Penal Code," and House bill No. 286, to be entitled "An act to provide a clerk for the Secretary of the Board of Education, to fix his salary, and to make an appropriation for the same."

On motion of Senator Shannon, the Senate adjourned until 10 o'clock a. m. to-morrow.

THIRTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 15, 1883. }

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Randolph, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Davis presented a petition of F. M. Sherwood and other citizens of Dexter, Cook county, for an amendment to the Constitution, forbidding the manufactory and sale of intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Senator Shannon presented a memorial of numerous citizens of Parker county, praying the Legislature to pass a joint resolution permitting the people of Texas to vote on a constitutional amendment prohibiting the importation, manufacture or sale of intoxicating liquors in the State.

Referred to committee on Constitutional Amendments.

Senator Traylor introduced the following bills:

A bill entitled, "An act to amend article 435 of the Code of Criminal Procedure of the State of Texas, providing for the transfer of indictments from the district courts to courts having jurisdiction thereof, and amendatory thereof, approved February 5, 1881."

Referred to Judiciary Committee No. 2.

A bill entitled "An act to amend article 4767 of the Revised Civil Statutes, regulating the fees of tax collectors." Referred to Committee on Finance.

Senator Perry introduced a bill to be entitled "An act to prohibit elective officers and attorneys at law from becoming sureties on bonds and recognizances."

Referred to Judiciary Committee No. 1.

A message was received from the House informing the Senate of the passage by that body of House bill No. 38, entitled "An act to amend article 1272, chapter 9, title 29, of the Revised Civil Statutes of the State of Texas."

Senator Jones introduced a bill to be entitled "An act to amend title 5, chapter 1, of the Penal Code of the State of Texas, by adding thereto articles 140a and 140b."

Referred to Judiciary Committee No. 2.

The President announced that the morning call was over, and the hour had arrived for the Senate to go into committee of the whole, in compliance with the request of the chairman of the committee yesterday, on the resolution of Senator Gooch.

Senator Gooch moved that the Senate go into committee of the whole.

Adopted.

(Senator Gooch in the chair.)

IN SENATE.

The chairman of the committee of the whole reported to the Senate that the committee had adopted fifteen sections of the resolution under consideration, and recommend that the same be adopted by the Senate.

Senator Houston moved that the chairman and secretary be allowed until to-morrow morning to prepare and reduce to writing the report of the committee of the whole, for presentation to the Senate.

Adopted.

A message was received from the House informing the Senate of the passage, by the House, of Senate bill No. 193, "An act to provide for the improvement and repairs of the Lunatic Asylum, the enlargement of the asylum grounds, and to make an appropriation therefor."

The President gave notice of signing Senate bill No. 30, "An act to amend article 1000, of chapter 1, title 13, of the second section of 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' passed February 21, 1879."

Senator Cooper, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 15, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 190, being "An act making a special appropriation for the support of the Supreme Court at Galveston," and find the same correctly enrolled, and have this day, at 10:25 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

The President took up and referred the following House bills, to-wit:

House bill No. 38, entitled "An act to amend article 1272, chapter 9, title 29, of the Revised Civil Statutes of the State of Texas," to Judiciary Committee No. 1.

House bill No. 34, entitled "An act to amend article 186 of the Penal Code," to Judiciary Committee No. 2.

House bill No. 35, entitled "An act to amend article 426 of the Penal Code, as amended March 15, 1881," to Judiciary Committee No. 2.

House bill No. 36, entitled "An act to amend article 743 of the Penal Code," to Judiciary Committee No. 2.

House bill No. 286, entitled "An act to provide a clerk for the Secretary of the Board of Education, to fix his sal-

ary, and make an appropriation for the same," to Committee on Education.

Senator Fleming, chairman of Committee on Federal Relations, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 15, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate bill No. 221, entitled "An act to provide for the preparation, auditing, tabulation and presentation, for examination by the officers of the United States government, of all such claims, accounts and demands of the State of Texas against the government of the United States, as are referred to and provided for in the act of the Congress of the United States, entitled 'an act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories, in repelling invasions and suppressing Indian hostilities, and for other purposes,' approved June 27, 1882, and to make an appropriation therefor," have carefully examined the same and instruct me to report the same back, with the accompanying substitute, with the recommendation that the substitute do pass.

All of which is respectfully submitted.

FLEMING, Chairman

Bill read first time.

Senator Harris for joint committee of free conference on substitute House bills Nos. 95 and 190, "With regard to the establishment of an asylum for the treatment of the insane, etc., in North Texas," submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 15, 1883.

Hon. Marion Martin President of the Senate and Hon. C. R. Gibson, Speaker of the House of Representatives:

Your committee of free conference, to whom was referred the difference between the two Houses upon substitute House bills Nos. 95 and 190, have considered the same, and respectfully report and recommend that the Senate amendment No. 1 be amended to read as follows: Strike out all after the word "least" in line 16, of printed bill, and insert "400 acres and not more than two thousand acres of land."

Your Committee further recommend that the Senate do recede from amendment No. 2.

JNO. H. TRAYLOR,
A. J. HARRIS,
J. A. MARTIN,
Senate Committee.
B. F. FRYMIER,
W. J. CAVEN,
T. C. HENDERSON,
House Committee.

On motion of Senator Harris, the report just submitted was adopted by the following vote:

YEAS—22.

Collins,	Gooch,	Peacock,
Davis,	Harris,	Perry,
Evans,	Houston,	Pfeuffer,
Farrar,	Jones,	Pope,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.
Gibbs,		

NAYS—none.

The following message with accompanying documents, was received from his excellency, the Governor:

The message was read, and, on motion of Senator Gooch, the message and documents were referred to the Committee on Finance.

To the Senate and House of Representatives of the State of Texas:

GENTLEMEN:—I deem it proper, in accordance with the request of the Hon. W. J. Swain, Comptroller, to call your attention to the difficulties attending the efforts of persons desirous of paying taxes on lands heretofore unrendered.

It is not to be denied that the subject is one that demands legislation, and I deem the suggestion of the Comptroller excellent.

His letter to me, of date February 14, is herewith transmitted.

What is known as the "new abstract," is so imperfect, and the constant confusion that must be certain to ensue, for the want of a

perfect abstract, impels me to recommend the passage of an act looking to the compilation of a complete and perfect abstract by the Commissioner of the General Land Office. It can only be done in a perfect manner by him or under his direction.

I also herewith transmit a resolution of the Capitol Board, adopted at its meeting on the fourteenth instant. The country, the Governor, and your honorable bodies are fully apprised of the difficulties attending the erection of this the temporary capitol building.

This resolution was adopted by the Board after a personal and careful examination of the building and its surroundings, and I add, after a personal inspection by myself, and it is a patent fact that in case of a continued heavy rain, that this building would be seriously endangered.

An immediate removal of the rubbish around the building, and the raising of the sidewalks, and placing heavy stone pavements thereon, with high curbing, as well as such other repairs as will readily suggest themselves, are imperatively demanded, and I recommend the appropriation of the sum named in the resolution for that purpose.

I am, gentlemen, respectfully yours,

JNO. IRELAND,
Governor of the State of Texas.

OFFICE OF COMPTROLLER,
AUSTIN, February 14, 1883.

Hon. John Ireland, Governor of Texas, Austin, Texas:

SIR:—By an act approved August 19, 1876, providing the manner of collecting the taxes due on all lands which have not been rendered for taxation from 1870 to 1876, the Comptroller was required to make up a list of all such unrendered lands and forward same to the several counties to be proceeded against, as directed by the act.

The compilation of this list was begun by Comptroller S. H. Darden, but in the progress of the work the difficulties that presented themselves were so serious that, in his annual report to the Governor for the year ending August 31, 1878, he stated that it was impossible to make up a list of the unrendered lands with proper accuracy.

On the twenty-fourth of April, 1879, the act of August 19, 1876, was repealed, and a new act passed, with the view of meeting the difficulties which existed in the original statutes.

The work was prosecuted under the new act, and in 1880 the lists for about forty counties were completed and forwarded to the several counties. These lists were compiled from old and imperfect records, and were found to be so inaccurate that the Seventeenth Legislature, at its special session, passed an act suspending all proceedings on said lists until the Comptroller could prepare such lists as were considered accurate.

The work was continued by Hon. W. M. Brown, Comptroller, with the new abstracts of land titles and the impossibility of making correct lists has been so clearly demonstrated, that I deem it proper to call attention to the subject that some steps may be taken looking to a final disposition of the question.

Some of the difficulties in the way of compiling accurate lists of the unrendered lands are evident even to the most casual observer. In almost every county of the State the rendition of lands for taxation has been so inaccurate as to make it, in a good number of cases, impossible to determine, by comparison with the abstracts, what grant the assessment was intended to cover. It is not an unusual occurrence that owners of lands, in rendering same, give, instead of original grantee, the name of the party who conveyed the title to them, and in many instances no grantee is given; in other cases, where there are several grants in the same county in the same name, the renditions are so imperfect that it is impossible to determine which grant is meant.

In a great many instances the taxes may have been paid by the owners in full, but the imperfect renditions make identification impossible, and should lists be compiled from such imperfect data, the rights of citizens in many cases would be violated, and a cloud cast upon the title to property which, in fact, was free from any claim for taxes due the State.

This is no new question now presenting itself for the first time. As far back in our history as 1850 we find a statute, approved February 11 of that year, which was enacted to reach the same evil in our tax system that our present law was intended to correct. Following up the action had under that law we find the same unsatisfactory results. The same conditions that existed then exist now, rendering a compliance with the law impossible without involving seriously the rights of property holders.

Referring to the Comptroller, Hon. Jas. B. Shaw, for the year 1852-3, in speaking of this subject he says: "In the progress of the examination notwithstanding every means have been used to guard against it, I find it exceedingly difficult, and in some instances impossible, owing to vagueness of its description, to identify a consid-

erable portion of the property rendered in the different counties, with the Commissioner's abstract, in consequence of which many tracts of land are liable to be sold for taxes which have already been paid." In his report for 1854-5 the Comptroller, Mr. Shaw, in alluding to the same object, says: "Subsequent experience has only strengthened the belief that the present law is not adequate to the object for which it was enacted, and that the public interest requires that it should receive the attention of the Legislature at its present session." In his succeeding report for 1866-7, he again states that subsequent experiences has only strengthened the belief that our present law is inadequate to the object of its enactment.

Thus we find that the same difficulties we labor under now presented themselves in the early history of the State, and the matter dragged along from year to year without a satisfactory solution. The difficulties which were considered so great even when Texas was in her infancy as a State, have increased a thousand fold, and the errors growing greater by the lapse of time, have rendered it now impossible to make even an approximately correct list of lands which have not been rendered for taxation.

On the twenty-second of April, 1871, an act was passed prescribing how property might be free from back taxes, providing that any person who should render and pay the State and county taxes levied by that act, for the year 1871, and three times the amount of State and county taxes so assessed and paid, should be fully acquitted and discharged of all demands of the State upon property so paid on for back taxes of any character.

Under the provisions of the act authorizing voluntary renditions, large amounts were paid into the treasury; taxpayers often rendering property for taxation, which had not been assessed for ten or twelve years.

Allusion is made to past legislation upon this subject to show how unsuccessful have been all laws in the past in reaching the lands which have not been rendered for taxes. The difficulties have increased with each year, and in view of this fact, and the further fact that many of the land owners of the State are desirous of paying the back taxes on their lands, and thus relieve them of any claim on the part of the State, I would respectfully suggest that the attention of the Legislature be called to this subject as one of great importance to the people.

I would therefore recommend that the act of April, 1879, be amended by the Legislature at the present session so as to permit the owners of lands which have not been rendered for taxes to render the same for all back years to the assessor of the county in which the land is situated.

It is believed that a considerable sum will be realized to the State by adopting this method. Under the present law, no person can pay their taxes, however much they may desire to do so, until all the forms prescribed by the act of 1879 are complied with.

Respectfully,

WM. J. SWAIN, Comptroller.

OFFICE OF CAPITOL BOARD,
AUSTIN, February 14, 1883.

Resolved, That it is the sense of this Board that the immediate appropriation, by the Legislature, of the sum of sixteen thousand dollars (\$16,000) is absolutely necessary for the protection and safety of the temporary State capitol building; a portion of said amount to be at once applied for sewerage, drainage and fire protection, the balance to be used for interior and exterior finish, and for grading and paving, etc., as set forth in the report and estimate of the superintendent of construction of said building previously submitted.

Resolved further, That His Excellency, Governor John Ireland, President of the Capitol Board, be and is hereby respectfully requested to transmit this resolution to the Legislature.

The foregoing resolution was unanimously adopted by the Capitol Board at a meeting of said Board held this, the fourteenth day of February, 1883.

Respectfully,

JNO. T. DICKINSON,
Secretary of the Board.

On motion of Senator Pope, the Senate adjourned until 10 o'clock to-morrow morning.

THIRTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, February 16, 1883. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.
Roll called. Quorum present.